

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL R. SHAFFER,

Plaintiff

3:08-CV-2293

v.

(JUDGE CAPUTO)

PRIORITY TRANSPORTATION, INC.,
a/k/a Priority Transportation, LLC, a
wholly owned subsidiary of Priority
America, Inc.,

Defendant

MEMORANDUM AND ORDER

In this American with Disabilities Act case, I am asked to assess damages after the entry of judgment by default.

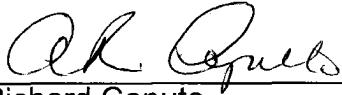
The Plaintiff, Michael R. Shaffer, was hired by Defendant Priority Transportation, Inc. as a truck driver in January, 2005. He requested an accommodation because of his diabetes. The accommodation he requested was to run a specific route up and down Route 81 which passed his home, and would allow him to eat his meals at home, thus enabling him to control his dietary needs and provide ready access to medical needs as well. The accommodation was granted for almost a year, after which the Defendant directed the Plaintiff to take loads out of state, which Plaintiff refused to do. As a result, Plaintiff left employment in December, 2005.

The Plaintiff earned \$28,121.00 in 2005, although his gross pay per week was \$1,100.00. He accounts for the difference between what he earned and what he should have earned (\$57,200.00) to the trips he refused to take because they contravened the agreed upon accommodation. Plaintiff claims back pay of \$184,800.00 (\$4,400.00/month for 42 months viz, 1/1/06 to 6/29/09, and a future wage

loss of \$514,800.00 or \$57,200.00 per year for 9 years. (Plaintiff is 56 and expects to work to 65.) In June of 2007, Plaintiff was awarded Social Security Disability payments of \$1,353.00 per month. It was not established that these payments represented complete disability, but in any event would have to be deducted from any wage claim. The adjusted back pay claim is \$149,622.00 and the future wage loss is \$368,676.00, for a total of \$518,298.00, which is the amount Plaintiff will be awarded.

An appropriate Order follows.

Date: August 6, 2009



A. Richard Caputo
United States District Judge

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(JUDGE CAPUTO)

PRIORITY TRANSPORTATION, INC.,
a/k/a Priority Transportation, LLC, a
wholly owned subsidiary of Priority
America, Inc.,

Defendant

ORDER

NOW, this 6th day of August, 2009, IT IS HEREBY ORDERED that Judgment
in the amount of \$518,298.00 is entered in favor of Plaintiff, Michael R. Shaffer, and
against Priority Transportation, Inc., a/k/a Priority Transportation, LLC, a wholly owned
subsidiary of Priority America, Inc.


A. Richard Caputo
United States District Judge